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REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Memorandum submitted by the International Labour Office

Adoption of the ILO Declaration on Fundamental Principles and Rights at Work, and its follow-up

1. At its 86th Session (June 1998) the International Labour Conference adopted the ILO Declaration on Fundamental Principles and Rights at Work, and a follow-up for it (see annex). The Declaration is intended to reaffirm the commitment of all member States of the ILO to the fundamental principles and rights which are incumbent on all countries by the very fact of their membership in the organization, even if they have not yet been able to ratify the corresponding conventions. The Declaration is accompanied by a follow-up, which is an integral part of it. The follow-up consists of two parts: (a) arrangements for annual reports under article 19(5)(e) of the ILO Constitution, from all States which have not ratified one or more of the seven fundamental ILO conventions; and (b) a global report each year on one of the four areas of rights, covering all States. Detailed arrangements for the follow-up will be made at the November 1998 session of the Governing Body of the ILO.

Ratification of ILO conventions

2. Since the previous session of the Sub-Commission, there has been a large number of further ratifications of ILO conventions on subjects relating to the concerns of the Sub-Commission. This has partly been the result of a campaign, launched by the Director-General of the ILO following the World Summit for Social Development (Copenhagen, March 1995), for the universal ratification of the ILO's seven fundamental human rights conventions (Nos. 29 and 105, 87 and 98, 100 and 111, and 138). This campaign consists of sending letters addressed directly to non-ratifying States (the last such letter was sent in December 1997, asking for consideration of the ratification position). This was followed up with contacts in the various member States by the ILO area offices and multidisciplinary teams in the field, as well as with offers of assistance in overcoming obstacles to ratification. The following summarizes the ratifications of those among the ILO's 181 conventions which are of special relevance for human rights, as of 24 June 1998:

Convention	Total ratifications	Since last report
Forced Labour		
No. 29	146	Qatar Uzbekistan
No. 105	130	Burkina Faso Slovakia Slovenia Uzbekistan
Discrimination		
No. 100	137	Bangladesh Lesotho Malaysia Republic of Korea Uzbekistan Viet Nam
No. 111	130	Lesotho Uzbekistan Viet Nam
No. 156	27	Russian Federation
Freedom of Association		
No. 87	122	Botswana Indonesia
No. 98	138	Botswana Burundi Madagascar Uzbekistan

Convention	Total ratifications	Since last report
Migrant Workers		
No. 97	41	-
No. 143	18	-
Indigenous and Tribal Peoples		
No. 107	27	No longer open for ratification
No. 169	13	Ecuador Fiji Netherlands
Minimum Age		
No. 138	63	Argentina Albania Bolivia Cyprus Denmark Guyana Jordan Malaysia Philippines Slovakia
Vocational Rehabilitation		
No. 159	61	Albania Mongolia

3. In addition, as outlined in reports to the Governing Body on this campaign, there is a large number of other ratifications either already under way or being examined by the competent national authorities. In the three years since the campaign was launched, more than 85 ratifications of these conventions have been registered.

Application of conventions

4. Within the framework of the regular programme for the supervision of ILO conventions and recommendations, the Committee of Experts on the Application of Conventions and Recommendations addressed a number of comments to ratifying States at its November-December 1997 session, which are contained in its report to the 86th session (June 1998) of the International Labour

Conference. 1/ This report was in turn discussed by the Conference Committee on the Application of Conventions and Recommendations during the session, which invited 30 Governments to appear before it to give information on points raised by the Committee of Experts.

5. Within the framework of its general discussion, the Committee of Experts discussed special reports on the Forced Labour Convention (No. 29) and on the Abolition of Forced Labour Convention (No. 105). With regard to prison labour, it noted that two related phenomena could be identified as new trends. One is that prisoners in publicly administered prisons are more often working for private firms within the public prisons; the other is that in some cases prison administration has been contracted to private firms, and prisoners are working for purposes of production in these prisons. It stated that these trends had an obvious effect on the application of Convention No. 29, and recalled specifically article 2, paragraph 2(c), under which work or service exacted from any person as a consequence of a conviction in a court of law is exempted from the scope of the condition only if two conditions are met, namely "that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations". This was discussed in some detail during the Conference.

Adoption of new standards

6. At its 85th session (June 1997), the International Labour Conference adopted the Private Employment Agencies Convention (No. 181) and Recommendation (No. 188). The Conference also adopted an amendment to the Constitution of the ILO to the effect that, acting on a proposal of the Governing Body, the Conference may, by a majority of two thirds of the votes cast by the delegates present, abrogate any convention if it appears that the Convention has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the organization. This amendment will enter into force when it has been ratified by two thirds of the members of the organization, including five out of the ten members which are represented on the Governing Body as members of chief industrial importance. At its 86th session (June 1998), the Conference held a first discussion of a proposed new convention and recommendation on the worst forms of child labour, with a view to their immediate abolition. It is expected that these instruments will be finalized and adopted at the 1999 session of the Conference.

1/ International Labour Conference, 86th Session, 1998: Report III (Part 1A): Report of the Committee of Experts on the Application of Conventions and Recommendations. Copies of the Committee's annual report are regularly furnished to the Office of the High Commissioner for Human Rights and are available on request for members of the Sub-Commission.

Situation of Arab workers of the occupied Arab territories

7. At the 86th session, the ILO's constituents discussed, in a special sitting, the most recent Director-General's report on the situation of workers in the occupied Arab territories. Since 1978, through missions sent to Israel and the occupied territories including the Golan, the ILO has been fulfilling its mandate to monitor the situation of Palestinian workers and has documented how their interests and those of Palestinian employers can be improved by the provision of adequate and appropriate technical assistance. This year, permission to visit the territories was received later than in the past, thus necessitating fewer meetings on the spot - and therefore a shorter report than in previous years - and arrangements were made to meet a number of key Palestinian personalities outside the territories, in Jordan (27 April to 1 May 1998), so that information could be gathered for the report to be written in time for the International Labour Conference in June 1998. The report was based on information collected there, and from a variety of sources (including the Israeli Government and the Palestinian Authority, employers' and workers' organizations and various United Nations agencies) during the mission that the Director-General sent to Israel and the occupied Arab territories from 11 to 13 May 1998 and during a short preparatory mission from 29 March to 1 April 1998 to the Syrian Arab Republic for consultations with Syrian authorities.

8. Over the years, the report has outlined the complex and sensitive socio-economic context of the occupied Arab territories, and this year - in the employment context - it highlighted once again the negative impact of closures, whether partial or total, between Israel and the West Bank and Gaza Strip. The average real daily wages for workers of the territories declined by 7.6 per cent, from US$ 17.23 in 1996 to US$ 15.93 in 1997. The decline was most severe in Gaza, namely 15.8 per cent; it was 9.7 per cent in the West Bank and 4.5 per cent for workers in Israel itself. However, probably because fewer closures were imposed in 1997 than in 1996, average real monthly wages for workers in Israel increased by almost 1 per cent, to US$ 485.16.

9. The report noted certain policy changes announced by the Israeli Office of the Coordinator of Government Activities in the Territories (COGAT) of the Ministry of Defence and by the Ministry of Labour and Social Affairs, such as the cancellation of quotas for Palestinian workers; approval of a plan to permit their employment in Israel even during sensitive security situations; issuance of work permits for overnight stays of Palestinian workers in Israel; lowering the age of workers entitled to work in Israel to 23 (perhaps even lower in the future depending on the security situation); allowing for more flexible working hours and stay in Israel so that Palestinians could work until evening or in shifts; job fairs; and an initiative placed before the Palestinian Authority in the construction sector in favour of expanding Palestinian job opportunities. Conditions of work of Palestinians employed by Israelis or working in Israel remained, however, a major complaint. Non-payment or discriminatory under-payment of wages and benefits, and the bureaucratic difficulties of suing for back wages, were described, as well as inequalities in the social security system. A further problem raised with the mission which visited the territories was the potential for abusive working

conditions in the context of supplying "teams" of Palestinian labourers through new manpower companies in the construction sector, a development resisted by Palestinian trade unions and authorities alike.

10. The chapter concerning technical cooperation documented continuing ILO cooperation in a number of areas such as employment generation, institution-building and private sector development. The ILO currently is executing nine technical assistance programmes with a strong flavour of tripartism totalling over US$ 8.5 million, and is examining possible new projects in the area of child labour, women workers' rights and social security. The International Training Centre of the ILO in Turin provided assistance, currently worth US$ 1.6 million, to the Palestinian Authority through both specific activities and the participation of Palestinian men and women in some of its regional-level courses. This technical cooperation has always been undertaken in full partnership with the Palestinian authorities and the social partners in the territories, and is a means of contributing in a practical and effective way to the development of strong, independent institutions and a stable Palestinian society. The Director-General's report itself was also a means of, it was hoped, aiding the parties to arrive at a better level of understanding and an improvement in the world of work for workers of the occupied Arab territories.

Women workers

11. A series of gender-training activities for ILO constituents was undertaken in the second half of 1997 (India, Bangladesh, Jamaica, Guatemala, Panama, Argentina, Brazil and Egypt). In some countries, tripartite partners were invited to participate; in others separate seminars were organized for one particular constituent member, in most cases for trade union representatives. The thematic focuses differed in each activity but in general, workshops addressed gender awareness-raising combined with skills training on gender analysis and gender-sensitive planning of labour and social policies and programmes.

12. In addition, important training exercises for ILO staff were organized by the Regional Office in Bangkok for gender focal points in the region and similar activities were carried out to assess the gender impact of major ILO projects in the countries they cover. In these activities, ILO staff had the opportunity to exchange views and experiences on priorities, constraints and opportunities with respect to gender mainstreaming in ILO programmes in the field and to define future strategies.

13. In some countries, the implementation of the project funded by the Government of the Netherlands on the dissemination of women workers' rights has already come to an end. This is the case for Egypt and China; activities in Hungary, El Salvador and Zimbabwe will terminate within a short time. In Suriname, Viet Nam, India and Mali the project will end towards the end of the year. The project has been very successful in raising the awareness and skills of tripartite partners on how to strengthen their efforts to promote gender equality in the world of work. Within the given project framework, some innovative approaches have been developed and adopted by the participating countries. While the project in India, for example, is concentrating on a national and regional media campaign on women workers'

rights, in China it focused the training activities on employment creation and re-employment schemes including enterprise development for women. Through these activities the tripartite dialogue has been very much strengthened on gender issues. In Suriname, the project concentrated on research and the dissemination of its findings and recommendations in problem areas for specific vulnerable groups of women workers. The project in El Salvador stresses the training of an intra-Government core group and the production of information and training material to be used by these and other trainers; women employers have been addressed as a special target group.

Migrant workers

14. The ILO's activities relating to international migration for employment aim at providing support to migrant-sending and migrant-receiving countries in order to help them deal with current policy concerns, cooperate in the recruitment and return of migrant workers and improve the protection of migrant workers and members of their families. The promotion of the ILO standards concerning migrant workers is a prominent feature of all activities undertaken. The key concern of these standards is non-discrimination and equality of opportunity and treatment.

15. ILO activities have contributed significantly to the acceptance of the principle of equality of treatment for migrant workers and the elimination of discrimination against them. However, the situation of most migrant workers remains a matter of concern, particularly in the countries which have not yet ratified any of the relevant conventions and where national legislation and practice is often far from being consistent with the principles of the ILO. Apart from its ongoing activities related to international migration for employment, such as technical advisory services to migrant-sending countries in the field of setting up coherent emigration and return policies and institution building to properly implement these policies, the ILO has engaged in several activities aimed explicitly at promoting the protection of migrant workers and reducing discrimination against them.

16. The situation of migrants figured prominently in the Programme of Action adopted by the International Conference on Population and Development (Cairo, September 1994) and the Declaration and Programme of Action adopted by the World Summit for Social Development (Copenhagen, March 1995). The ILO has been entrusted with leading the work of the Working Group on International Migration which was established by the ACC Task Force on Basic Social Services for All. Within the framework of this Working Group, a Technical Symposium on International Migration and Development will be held in The Hague, from 29 June to 3 July 1998. This symposium aims at (i) examining salient international migration and development policy issues faced by Governments, such as protecting migrants and preventing their economic and social marginalization; (ii) evaluating - through country case-studies - the effectiveness of existing policies, procedures, measures and mechanisms; and (iii) suggesting to Governments ways to foster orderly migration flows and to counteract the economic and social marginalization of migrants.

17. An interregional project to combat discrimination against migrant workers and ethnic minorities in the world of work was launched in 1993. This project, which focuses on industrialized migrant-receiving countries, aims at

tackling informal or de facto discrimination. Its research findings have provided irrefutable evidence that this kind of discrimination is widespread and persistent. Moreover, discrimination in the labour market seriously hampers the integration of migrant workers into society at large. The objective of this project, which is chiefly funded by extrabudgetary resources, is to contribute to the eradication of discrimination by informing policy makers, employers, workers and trainers engaged in anti-discrimination training on how legislative measures and voluntary measures, such as training activities, can be rendered more effective, based on an international comparison of the efficacy of such measures and activities. In 1997 a number of national seminars were organized in countries participating in the project in order to present the research findings to ILO's constituents and to discuss improvements in policies and practices aimed at combating discrimination. The project will come to a close with the organization, in October 1998, of a Tripartite Interregional Seminar on Achieving Equality for Migrant and Ethnic Minority Workers. The seminar will examine the findings of the international comparison referred to above and the policy recommendation emanating from it.

18. In 1996, the ILO launched the Informal network on foreign labour in Central and Eastern Europe. This project aims at strengthening Governments' capacities to deal with international migration in the region. Within the framework of this project, issues related to equal treatment of migrant workers and the position of nationals of the former Soviet Union in its successor States were also considered. The legal status of such persons is often undecided, resulting in a vulnerable position within the respective host societies and socio-economic marginalization. The 14 countries participating in the network meet once a year to discuss the findings of research carried out by the ILO and its implications for their migration policies.

19. At a broader level, a Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration was held in April 1997. The meeting reviewed proposals on protection issues related to (i) workers engaged under temporary migration schemes; (ii) migrant workers recruited by private agents for employment in another country; and (iii) a new ILO tool aimed at protecting migrant workers not falling under convention-based procedures. The meeting approved a set of guidelines, aimed at the organization's constituents, on improving the protection of these groups of workers and the procedural rules pertaining to the holding of "Pattern and practice studies on the exploitation of migrant workers not falling under convention-based procedures".

20. At present, the ILO is carrying out a general survey on migrant workers, which will be discussed by the Committee of Experts on the Application of Conventions and Recommendations at its November-December 1998 session and subsequently submitted to the 87th session of the International Labour Conference (June 1999). It may be noted that the Migration for Employment Convention (Revised), 1949 (No. 97) has been ratified by 41 countries, and that the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) has been ratified by 18 countries. The general survey is intended, inter alia, to examine the reasons for the relatively small number of ratifications, and to examine what remedying action could be taken.

Indigenous and tribal peoples

21. As indicated above, ratifications of the Indigenous and Tribal Peoples Convention (No. 169) continue to be received, with ratifications from Ecuador, Fiji and the Netherlands during the past year. In addition, the ILO's supervisory work continues, through the Committee of Experts on the Application of Conventions and Recommendations, as well as constitutional complaints procedures. At the 272nd session (June 1998) of the Governing Body, a representation under article 24 of the ILO Constitution alleging non-observance of Convention No. 169 by Mexico was completed, with the adoption of the report of the Committee appointed to consider it. Another representation on the same convention, concerning Peru, remains under examination; and a third, concerning Bolivia, was declared receivable by the Governing Body at the same session.

22. Since the beginning of the International Decade of the World's Indigenous People, the ILO has initiated a number of technical cooperation projects and programmes to increase awareness of the situation of indigenous and tribal peoples and to promote an improvement of their living and working conditions. All ILO technical assistance programmes are implemented within the framework of relevant ILO standards, in particular Convention No. 169. The following is a summary of current ILO projects and programmes.

23. A DANIDA-financed technical cooperation Project to Promote ILO Policy on Indigenous and Tribal Peoples began operations in 1996. It will continue until 2000, subject to renewal, and is conceptualized within the framework of the International Decade of the World's Indigenous People (1995-2004). The project is managed by two indigenous and tribal persons, and has, since its inception in 1996, cooperated with Governments, trade unions and with others to draw attention to the situation of indigenous and tribal peoples, with emphasis on Asia and southern Africa.

24. The project's activities in Asia were the following:

(a) Technical assistance to the Inter-Ministerial Committee on Highland Peoples Development of the Government of **Cambodia** in devising a policy for the development of its highland peoples is under way. This has focused on policy advice, complemented by capacity-building measures aimed at enabling the Inter-Ministerial Committee, which is the focal point for all matters relating to indigenous and tribal peoples in Cambodia, to be in a position to respond more effectively to the needs of the highland communities, with their participation. Workshops on highland peoples' development strategies and approaches are taking place, and technical assistance will continue during the second phase of the project in order to enable the IMC and the highland communities to develop and implement a comprehensive management strategy for the development of the highland areas building on the experience gained so far;

(b) In **Viet Nam**, the project cooperates with the Committee for Ethnic Minorities and Mountainous Areas (CEMMA) and has provided input to a national workshop aimed at analysing development approaches to highland communities. In addition, as part of its component on facilitating the exchange of experiences among and between indigenous communities, the project is

organizing a study tour to an indigenous community in the Phillippines at the request of CEMMA. In addition, the project will also provide technical assistance at the policy level and at the micro-level;

(c) In cooperation with UNDP, the project organized a workshop on "Information Exchange on Development Experiences with Highland Peoples" in Chiang Mai, **Thailand**, from 17 to 21 November 1997. The workshop focused on the impact of development projects at the community level, with participation from the Governments of Cambodia, the Lao People's Democratic Republic, Thailand and Viet Nam, and with the cooperation of the Tribal Research Institute of the Department of Public Welfare. As a follow-up activity, specific activities are planned with the Tribal Research Institute aimed at increasing awareness and understanding of recent policy initiatives impacting indigenous and tribal peoples in Thailand. In addition, the project will also cooperate, together with INDISCO (see para. 27 below), in strengthening the capacity of a local indigenous organization in more effectively meeting its goals;

(d) A pilot project to assess the impact of development-related displacement on tribal women in **India** was launched in 1997, and follow-up action building on this initiative will continue during the second phase of the project;

(e) The project has also undertaken activities in cooperation with the international trade union organizations **Education International** and **Public Services International** in highlighting the relationship between trade unions and indigenous and tribal peoples. This cooperation will continue during 1998-2000 and specifics for cooperation in the Asian region are in the process of being identified.

25. The project has also undertaken assessment missions to southern Africa in order to establish contacts and to evaluate the possibilities for initiating operational activities in the area. A conference on the constitutional accommodation of vulnerable indigenous communities in **South Africa** took place in May 1998 in Upington, South Africa, with ILO participation and financing. In addition, at the request of the **Confederation of Cameroon Trade Unions**, specifics for a project contribution to the situation of Pygmies in that country are in the process of being identified.

26. Other activities such as training workshops, seminars and briefings to promote understanding and dialogue among the ILO's traditional constituents - Governments, employers and workers - with indigenous and tribal peoples are envisaged for 1998-2000 in the two priority regions for the project. In addition, within the context of increasing awareness of ILO standards relevant to indigenous and tribal peoples, a radio programme to explain Convention No. 169 to indigenous communities in Costa Rica was launched, and a *Basic Guide to the ILO's Convention No. 169* explaining the provisions and application of Convention No. 169 in a simple, easy-to-understand manner is in the final stages. A publication focusing on the traditional occupations of indigenous and tribal peoples will also be published during 1998/99.

27. The Inter-regional Programme to Support Self-Reliance of Indigenous and Tribal Communities through Cooperatives and other Self-Help Organizations (INDISCO) started operations in 1993 under the ILO/DANIDA programme for cooperative development in rural areas. It is designed specifically to assist indigenous and tribal peoples, and has a number of pilot projects in **India** and the **Philippines**, with operations just beginning in **Viet Nam** and **Thailand** (in cooperation with the Project to Promote ILO Policy on Indigenous and Tribal Peoples). All the projects are devised, implemented and evaluated by the communities themselves, with ILO-INDISCO technical assistance. The projects are aimed at encouraging the creation of indigenous cooperatives and other forms of self-help association which are adapted to meet local conditions and are culturally appropriate.* Project activities include:

(a) A support programme to strengthen the capacity of indigenous and tribal peoples on environmental impact assessment and indigenous knowledge systems in the Asian region, which is expected to begin operations in July 1998 for a period of three years. Initially, the programme will cover India, the Philippines, Thailand and Viet Nam and eventually is expected to expand to Bangladesh, Cambodia and the Lao People's Democratic Republic;

(b) INDISCO pilot projects in six countries in Central America (Belize, Costa Rica, El Salvador, Honduras, Nicaragua and Panama) are in the process of being finalized. In addition, a baseline survey covering indigenous and tribal peoples in four West African countries (Burkina Faso, Cameroon, Ghana and Nigeria) was completed in 1996 and pilot projects are planned.

28. Within the framework of the technical cooperation project Indigenous and Tribal Peoples: Poverty Alleviation and Democratization for Guatemala and the Philippines, a number of pilot projects have been undertaken. In **Guatemala** the major aim of the project is to inform/train indigenous organizations and support groups to enable them to participate meaningfully in follow-up activities to the "Agreement on the Identity and Rights of Indigenous Peoples" (part of the peace agreement signed in December 1996). Another goal of the project is to assist relevant institutions (Congress, indigenous organizations, Government) in the application of Convention No. 169 which Guatemala ratified in fulfilment of one of its commitments under the peace agreement.

29. In the **Philippines**, the project seeks to stimulate a policy dialogue among the Government, indigenous peoples and other social parties on various issues, ranging from land and natural resource rights to social policies and mechanisms for effective participation in governance and decision-making. This policy initiative is complemented with grass-roots-level action aimed at consolidating indigenous communities' land tenure and livelihood strategies, enhancing indigenous peoples' awareness about their rights as Philippine citizens and as indigenous peoples, and facilitating networking among them and with other groups.

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* The ILO annexed to its memorandum the INDISCO Progress Report for 1997, which is available for consultation.

30. As a contribution to the consolidation of indigenous and tribal peoples' territories, the project Community-based Environmental Impact Assessment (CEIA): Partnering with Indigenous Peoples (Philippines) seeks to institutionalize a CEIA in support of local and national initiatives affecting the lands and well-being of their communities. It aims to encourage a shift from expert-owned and expert-driven environmental impact assessments (EIAs) to more community-based and participatory EIAs, which build upon indigenous and tribal peoples' traditional EIA methods and techniques.

31. In **Bolivia**, within the context of a programme carried out in cooperation with UNDP, the ILO began in January 1994 to provide in-service training to indigenous legal promoters on the present legislation on land, territories and resource use in the Bolivian lowlands. This is one of the components of a major UNDP-sponsored National Indigenous Programme. ILO assistance continues.

32. Diagnosis of Conditions of Indigenous Communities in the Peruvian Amazon is an action-oriented research programme to assess the impact of oil privatization, resettlement programmes of indigenous highland communities evicted from their lands by political violence and narco-trafficking on the socio-economic and legal situation of the 63 indigenous groups inhabiting the **Peruvian Amazon**. Its ultimate goal is to formulate recommendations aimed at minimizing the sources of social tension and devising the components and strategy of a large-scale programme on local sustainable development incorporating the demands and needs of the indigenous communities.

33. In collaboration with the Department of Native Studies of the University of Lethbridge of Alberta, Canada, the manual "Effective Negotiation by Indigenous Peoples" providing guidance on strategies and tactics for effective negotiation by indigenous and tribal peoples in development-related projects was published in June 1997 in English (it will soon be available also in Spanish). In addition, the ILO published a Guide to Convention No. 169 (available in English and Spanish) explaining the scope and content of the Convention and its policy and legal implications, as well as a brochure entitled ILO and Indigenous and Tribal Peoples.

Child labour

34. One of the ILO's main activities in the area of child labour has been the preparation of proposed new international labour standards on extreme forms of child labour. This was in response to the decision of the ILO Governing Body to place child labour on the agenda of the International Labour Conference. That same year, the International Labour Conference adopted a resolution which stated that within the context of the progressive elimination of child labour, there was a need to immediately proceed with the abolition of its most intolerable aspects.

35. In the context of the procedure for the adoption of new standards, the ILO has drawn up two reports in preparation for the International Labour Conference. The first report, which outlines the legislation and practice in the various countries, was sent to Governments and to employers' and workers' organizations with a questionnaire relating to the possible nature and content of new instruments. A second report was drafted based on the replies to the questionnaire. These replies gave overwhelming support for new standards on

extreme forms of child labour and reflected a consensus that the persistence and seriousness of the child labour problem warranted renewed international action focused specifically on extreme or intolerable forms of child labour.

36. Based on the replies to the questionnaire, Proposed Conclusions have been drafted containing the suggested text for a new ILO convention and recommendation on the "worst forms of child labour". They contemplate a short and precise convention to complement the ILO Minimum Age Convention, 1973 (No. 138) with the basic obligation to take measures to secure the immediate suppression of all extreme forms of child labour, and a recommendation which would give further guidance for legislative and practical action. Convention No. 138, which has been ratified by 63 countries, remains the most comprehensive instrument in the fight against child labour.

37. The proposed convention and recommendation would apply to all children under the age of 18 in conformity with the general age stipulated in the Convention on the Rights of the Child and the minimum age for hazardous work in ILO Convention No. 138. The expression "the worst forms of child labour" should comprise: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illegal activities, in particular for the production and trafficking of narcotic drugs and psychotropic substances as defined in the relevant international treaties; and (d) any other type of work or activity which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of children.

38. Child labour, particularly its worst forms, has been the theme of several events at the international, regional and national levels which brought together international organizations, Governments, employers' and workers' organizations, and civil society. The ILO has actively participated in two major international conferences on child labour in Amsterdam (February 1997) and Oslo (October 1997), in addition to several regional conferences in Cartagena de Indias, Lahore, Pretoria and Kampala. These conferences allowed for a wide range of actors to exchange information and work towards a solution to the child labour problem. The Agenda for Action adopted by the Oslo Conference on Child Labour urged time-bound programmes to eliminate child labour and called on nations to give urgent, immediate priority to ending the most intolerable or extreme forms of child labour.

39. Another major activity of the ILO has been to strengthen its technical assistance programme to support member States in their efforts to address the problem of child labour. The ILO's International Programme on the Elimination of Child Labour (IPEC) has been operational since 1992. It is currently implementing action programmes in over 50 countries in Asia, Africa and Latin America. The Programme's operational approach is multisectoral and broad-based: motivating a broad alliance of partners; carrying out situational analysis; assisting in the development and implementation of national policies; strengthening existing organizations and setting up institutional mechanisms; creating awareness on the problem; promoting the

development and application of legislation; replicating and expanding successful projects into the programmes of partners and mainstreaming child labour issues into socio-economic policies, programmes and budgets.

40. Capacity-building and supporting countries in taking action against child labour require effective planning and monitoring. Experience has shown that detailed and reliable data are crucial in setting targets and developing and implementing effective programmes on child labour. In response to requests by many countries, data collection and analysis will be carried out on a wider scale through ILO-IPEC's Statistical Information and Monitoring Programme on Child Labour (SIMPOC).

Collaboration with other international organizations

41. As in the past, the arrangements whereby the ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function in relation to freedom of association, discrimination in employment and occupation, indigenous and tribal peoples, migrant workers, forced labour, child labour and other questions falling within the ILO's mandate. The ILO regularly takes an active part in the United Nations Commission on Human Rights and in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the Sub-Commission's Working Groups on Indigenous Populations, on Minorities and on Contemporary Forms of Slavery, and the one on the right to development. The ILO also plays a prominent role in the various treaty bodies established to supervise United Nations human rights instruments. The ILO is cooperating with the United Nations in coordinated follow-up to, and implementation of the World Conference on Human Rights (Vienna, 1993) and the Fourth World Conference on Women (Beijing, 1995). The 1995 World Summit for Social Development assigned to the ILO a leading role in action concerning employment.

42. The ILO has continued its efforts to maintain a constructive synergy between its work and the activities of the Office of the United Nations High Commissioner for Human Rights, a synergy that is to be pursued in accordance with a specific decision to this effect taken by the Governing Body. Workshops on the application of international human rights instruments and joint briefing sessions with other United Nations agencies for country or thematic rapporteurs have been organized by the United Nations with the collaboration of the ILO's International Training Centre in Turin, Italy. The ILO has also been called upon to supply a large amount of information on specific themes and different countries to the High Commissioner so as to assist her in fulfilling her mandate. The ILO is also continuing its work on the indigenous segment of the Guatemala peace agreement through the ILO office in San José.

43. The ILO has increased its consultations with the World Bank and the International Monetary Fund over the last year, with a view to these organizations taking increased account of human rights questions affecting working people. This has taken place so far through technical discussions between the staff of the two organizations, with the objective of coming to a better working arrangement.

44. Following the General Assembly's proclamation of 1995-2004 as the International Decade of the World's Indigenous People, the International Labour Office has contributed to the Decade by organizing its own events and by collaborating with the Office of the High Commissioner for Human Rights.

45. In the framework of the General Assembly's proclamation of 1995-2004 as United Nations Decade for Human Rights Education, the ILO has cooperated with the Office of the High Commissioner for Human Rights in its activities to promote human rights education methodologies, using, in particular, the ILO's extensive experience in workers' and employers' education and training.

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Annex

International Labour Conference

86th Session
Geneva, June 1998

ILO Declaration on fundamental principles and rights at work

Whereas the ILO was founded in the conviction that social justice is essential to universal and lasting peace;

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions;

Whereas the ILO should, now more than ever, draw upon all its standard-setting, technical cooperation and research resources in all its areas of competence, in particular employment, vocational training and working conditions, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Whereas the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation;

Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential;

Whereas the ILO is the constitutionally mandated international organization and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting fundamental rights at work as the expression of its constitutional principles;

Whereas it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application;

The International Labour Conference,

1. Recalls:

(a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;

(b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in conventions recognized as fundamental both inside and outside the Organization.

2. Declares that all Members, even if they have not ratified the conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

(b) the elimination of all forms of forced or compulsory labour;

(c) the effective abolition of child labour; and

(d) the elimination of discrimination in respect of employment and occupation.

3. Recognizes the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts:

(a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental conventions;

(b) by assisting those Members not yet in a position to ratify some or all of these conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those conventions; and

(c) by helping the Members in their efforts to create a climate for economic and social development.

4. Decides that, to give full effect to this Declaration, a promotional follow-up, which is meaningful and effective, shall be implemented in accordance with the measures specified in the annex hereto, which shall be considered as an integral part of this Declaration.

5. Stresses that labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes; in addition, the comparative advantage of any country should in no way be called into question by this Declaration and its follow-up.

Follow-up to the Declaration

I. Overall purpose

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5 (e) of the Constitution; and the global report will serve to obtain the best results from the procedures carried out pursuant to the Constitution.

II. Annual follow-up concerning non-ratified fundamental conventions

A. Purpose and scope

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures to replace the four-year review introduced by the Governing Body in 1995, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental conventions.

2. The follow-up will cover each year the four areas of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5 (e) of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.

3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.

4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

III. Global report

A. Purpose and scope

1. The purpose of this report is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

2. The report will cover, each year, one of the four categories of fundamental principles and rights in turn.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution.

2. This report will be submitted to the Conference for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other appropriate way. It will then be for the Governing Body, at an early session, to draw conclusions from this discussion concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period.

IV. It is understood that:

1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.

2. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

The foregoing is the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up duly adopted by the General Conference of the International Labour Organization during its Eighty-sixth Session which was held at Geneva and declared closed the 18 June 1998.

IN FAITH WHEREOF we have appended our signatures this nineteenth day of June 1998.

The President of the Conference,

The Director-General of the International Labour Office.